

Article - Environment

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§7-221.

(a) All expenditures from the State Hazardous Substance Control Fund made by the Department under § 7-220(b) of this subtitle in response to a release or a threatened release of a hazardous substance at a particular site shall be reimbursed to the Department for the State Hazardous Substance Control Fund by the responsible person for the release or the threatened release.

(b) (1) In addition to any other legal action authorized by this subtitle, the Attorney General may bring an action to recover costs and interest from any responsible person who fails to make a reimbursement as required under subsection (a) of this section.

(2) (i) In an action under paragraph (1) of this subsection to recover costs, the State shall make a good faith effort to identify and seek recovery against all responsible persons.

(ii) The State shall seek recovery on an apportionment basis in accordance with a person's contribution to the situation or problem, when there is a reasonable basis for determining the contribution of a responsible person.

(iii) Reimbursement in any other case shall not be apportioned.

(c) The Department may recover costs for the Fund resulting from releases or threatened releases of hazardous substances whether or not the hazardous substance was placed at the site, released, or threatened to be released before July 1, 1985.

(d) Except as otherwise provided in subsection (b) of this section, a person who is liable for a release or threatened release of a hazardous substance under this subtitle is subject to the Uniform Contribution Among Tort-Feasors Act under Title 3, Subtitle 14 of the Courts Article, including a right of contribution, as if that person had caused an injury in tort.

(e) A responsible person against whom a legal action is brought under subsection (b) of this section for a release or threatened release of a hazardous substance may move to join any other responsible person under the Maryland Rules.

(f) Upon request by the Department, and after reasonable notice, a person shall provide to the Department any existing information or documents relating to:

(1) The identification, nature, and quantity of any hazardous substance which is or has been generated, treated, stored, or disposed of at a site or facility, or transported to a site or facility; and

(2) The nature or extent of a release of a hazardous substance at or from a site or facility.

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